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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,464	09/26/2000	Takeshi Suzuki	P/3541-8	3607

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EXAMINER
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VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/670,464

**Applicant(s)**

SUZUKI, TAKESHI

**Examiner**

John M. Villecco

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,5,7,10,12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5,7,10,15,16,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 12,14,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 17,21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Regarding claims 17 and 18, it appears that the applicant has sufficiently overcome the 112, 2<sup>nd</sup> paragraph rejection from the previous office action. However, it appears that the newly added limitations fail to sufficiently overcome the prior art. Please see the new grounds of rejection presented for claims 17 and 18 presented below.

### ***Claim Objections***

2. Claims 17, 21, and 22 are objected to because of the following informalities:
- Regarding claim 17, applicant recites the limitation of using the operation member to move the attendant information “along to one of upper, lower, left and right edges”. This appears to be a typographical error and that the applicant meant to use the phrase – to one of upper, lower, left and right edges –, as was done in claim 18.
  - As for claims 21 and 22, applicant recites the limitation of using the operation member to move the attendant information “along to one of upper, lower, left and right edges”. This appears to be a typographical error and that the applicant meant to use the phrase – along one of upper, lower, left and right edges –.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 12, 14, 17, and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (U.S. Patent No. 6,597,817) in view of Anderson (U.S. Patent No. 6,275,260).**

5. Regarding *claim 12*, Silverbrook discloses a digital camera, which includes a printer that is capable of printing image data along with text. The camera is utilized to overlay image data with information such as a date and location (col. 3, lines 8-10) and therefore would inherently include a means for synthesizing the image data with the additional information. Furthermore, Silverbrook discloses a printer for printing the image data. As disclosed in column 3, lines 17-25, Silverbrook discloses that based upon a detected orientation the additional information which is overlaid upon the image is positioned in a good position. See Figure 1. In this case the predetermined operation causing rotation of the additional information would be taking an image in a portrait or landscape mode.

However, Silverbrook fails to disclose a manual operation member or a controlling means that sets the position of the attendant information on one of upper, lower, left and right edges of the image data and changes the orientation of the attendant information in accordance with the set position. Anderson, on the other hand teaches the use of a four-way controller (409) for positioning the stamp along one of an upper, lower, left, and right edge of the image data.

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Additionally, as disclosed in column 8, lines 27-40, the positioning of the stamp is performed correctly for a plurality of image orientations. Therefore, no matter what the orientation of the image is, the user can select a position of the stamp and the orientation of the stamp will be translated correctly. The orientation is changed by the changing means in accordance with the set position since the orientation is automatically changed based on the orientation of the image. For every set position the orientation is changed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position the attendant information in a desired position while also changing the orientation so that the location of the attendant information is performed so that the user can easily view it.

6. Regarding *claim 12*, Anderson discloses in Figures 9A and 9B plurality of different combination of positions and orientations.

7. *Claim 18* is considered substantively equivalent to claim 17. Please see the discussion of claim 17 on the preceding pages.

8. *Claim 14* is considered substantively equivalent to claim 12. Please see the discussion of claim 12 above.

#### ***Allowable Subject Matter***

9. Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

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Regarding claims 21 and 22, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest shifting the position of the attendant information along the one of the upper, lower, left, and right edges in accordance with the user's operation of that one of the four operation sections, which corresponds to the one of the upper, lower, left and right edges.

11. Claims 2, 5, 7, 10, 15, 16, 19, and 20 are allowed.

12. The following is an examiner's statement of reasons for allowance:

Regarding claims 15, 16, 19, and 20, the primary reason for allowance is that the prior art fails to teach or reasonably suggest shifting the position of the attendant information along the one of the upper, lower, left, and right edges in accordance with the user's operation of that one of the four operation sections, which corresponds to the one of the upper, lower, left and right edges.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

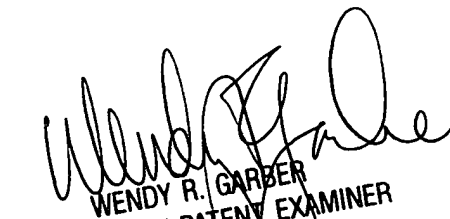
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco  
May 24, 2005



WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600